

Appl. No. 10/538,283
Amendment

REMARKS

Claims 1-4 and 6-16 are pending. Claims 1, 8 and 13 have been amended herein.
Claim 5 has been cancelled hereby.

In the Office Action, the Specification was objected to because of certain informalities related to the use of Web links.

By way of this Amendment, the Specification has been amended to attend to the objections to the Specification. Accordingly, withdrawal of those objections is requested.

In the Office Action, claims 1, 2, 6, 8-10, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,574,482 (Radomsky).

Claim 1, as amended, is not anticipated by Radomsky at least because claim 1 recites:

A method for opportunistically tracking the location of a portable device ... comprising: the portable device providing its unique device identifier to the station when within communication range of said station, generating association data comprising the unique identifier with the location of said station, and uploading said associated data via a backchannel to a remote database wherein said data is stored; wherein the station generates association data comprising time and date of unique identifier reception together with the unique identifier and the location of the station, and the station uploads said associated data to the remote database.

(emphasis added).

Appl. No. 10/538,283
Amendment

In general, the claimed invention recites a method that includes a “portable device providing its unique device identifier to the station,” The station “generates association data comprising time and date of unique identifier reception together with the unique identifier and the location of the station, and the station uploads said associated data to the remote database.”

In general, the claimed inventions of the present invention provides that a “user, who is the only person who knows the unique identifiers of his devices ... can view the opportunistically detected location, date and time data associated with that device.” (Present application as published at paragraph [0013]). Thus, by way of the claimed invention, a person can view historic location, date and time data regarding an object. (Present application at figure 4 and paragraphs [0036] and [0037]).

In contrast, Radomsky describes a system that is directed to “allow for constant monitoring of a patient within a hospital in both confined and open spaces whilst, at the same time... .” (Radomsky at column 2, lines 10-12).

As conceded in the office action, Radomsky does not teach or describe “association data comprising time and date of unique identifier reception together with the unique identifier and the location of the station, and the station uploads said associated data to the remote database.” For these features, the Examiner relies upon Official Notice.

Applicant respectfully challenges the factual assertion of the Examiner a not being properly based upon common knowledge, and applicants requests that the Examiner support the Examiner’s findings with adequate evidence. (See MPEP 2144.03). Applicant submits that the noticed facts are not common knowledge because the recited combination of features is not

Appl. No. 10/538,283
Amendment

common knowledge. (See 37 CFR 1.111(b)).

Moreover, applicant submits that one of ordinary skill in the art, upon reading Radomsky, would not be motivated to add the features absent from Radomsky to arrive at the claimed invention. For example, one of ordinary skill in the art would not be motivated to combine historical tracking features of including "association data comprising time and date of unique identifier reception together with the unique identifier and the location of the station, and the station uploads said associated data to the remote database," for after the fact tracking by a user, to the Radomsky system, which is directed to "constant monitoring of a patient within a hospital in both confined and open spaces whilst, at the same time... ."

Thus, for these reasons, applicant submits that Radomsky does not teach or suggest all of the limitations of amended claim 1. Accordingly, applicant respectfully submits that claim 1 is in condition for allowance and requests that the Examiner withdraw this rejection.

In addition, applicant submits that Radomsky does not teach or suggest, nor would one of ordinary skill in the art be motivated to modify Radomsky to achieve the station generating the association data comprising time and date of unique identifier reception together with the unique identifier and the location of the station, and the station uploads said associated data to the remote database, as recited by the present application.

Thus, for these additional reasons, applicant submits that Radomsky does not teach or suggest all of the limitations of amended claim 1. Accordingly, for these additional reasons, applicant respectfully submits that claim 1 is in condition for allowance and requests that the Examiner withdraw this rejection.

Appl. No. 10/538,283
Amendment

Amended independent claim 8 comprises similar features as claim 1 and is therefore not anticipated by Radomsky for at least the reasons discussed above with respect to claim 1. Accordingly, applicant respectfully submits that claim 8 is in condition for allowance and requests that the Examiner withdraw that rejection.

Each of claims 2, 6, 9, 10, 13 and 16 depend from one of claims 1 and 8, and applicant submits that those claims are patentable over Radomsky, at least for depending from one of allowable claims 1 and 8. Accordingly, applicant respectfully submits that claims 2, 6, 9, 10, 13 and 16 are in condition for allowance and requests that the Examiner withdraw those rejections.

In the Office Action, claims 3-5, 7, 11, 12, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radomsky in view of allegedly well-known prior art (MPEP 2144.03).

Claim 5 has been cancelled, with its limitations being incorporated into amended claim 1.

Each of claims 3, 4, 7, 12, 14, 15 and 17 depend from one of claims 1 and 8. Accordingly, claims 3, 4, 7, 12, 14, 15 and 17 are believed to be patentable over Radomsky at least for the reasons discussed above with respect to claims 1 and 8. Accordingly, applicant respectfully submits that claims 3, 4, 7, 12, 14, 15 and 17 are in condition for allowance and requests that the examiner withdraw the rejections to those claims.

Appl. No. 10/538,283
Amendment

In view of the foregoing, it is respectfully submitted that the currently-pending claims are in condition for allowance and favorable consideration is earnestly solicited.

Respectfully submitted,

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